

No. 11(112)-3Lab-79/7157.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s. Jindal Strips Ltd., Delhi Road, Hissar.

BEFORE SHRI BABU RAM GOYAL, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 350 of 1978

SHRI RAJ PAT. WORKMAN AND THE MANAGEMENT OF M/S JINDAL STRIPS LTD.,
DELHI ROAD, HISSAR

Present :

Shri Tek Chand Gupta, for the workman.

Shri V. P. Gupta, for the management.

AWARD

By order No. 1P/HSR/8/78/557, 14dated 14th December, 1978 the Governor of Haryana referred the following dispute between the management of M/s Jindal Strips Ltd., Hissar and its workman Shri Raj Pat to this Court, for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Raj Pat was justified and in order ? If not, to what relief is he entitled ?

On receipt of order of reference, notices were issued to the Parties. The parties appeared and filed Photo-stat copy of settlement dated 22nd March, 1979 arrived at between the parties under section 18 of the Industrial Disputes Act, 1947. As per settlement the management agreed to pay gratuity, Bonus, Earned leave wages and other wages outstanding, if any, to the workman and the workman agreed to withdraw his claim for reinstatement on 30th April, 1979. The parties appeared before me and Shri Tek Chand, authorised representative who is General Secretary of Mazdoor Ekta Union, Hissar, also made the following statement :—

“The workman has received his compensation for termination of his services and all other claim from the management. He is no longer interested in reinstatement by the management and therefore does not want to pursue this reference. The reference may be filed.”

In view of the settlement and the statement of the representative of the workman I answer the award that the termination of services of Shri Raj Pat was justified and in order and he is not entitled to any further relief.

Dated, the 30th May, 1979.

BABU RAM GOYAL,

Presiding Officer,
Labour Court, Haryana.
Rohtak.

Endorsement No. 1351, dated 8th June, 1979

Forwarded (four copies), to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

BABU RAM GOYAL,

Presiding Officer,
Labour Court, Haryana.
Rohtak.

The 26th June, 1979

No. 11(112)-3Lab-79/6193. —In pursuance of the provision of section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Goodyear India Ltd., Ballabgarh.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD
Reference No. 98 of 1979

Between

THE WORKMEN AND THE MANAGEMENT OF M/S GOODYEAR INDIA LIMITED,
BALLABGARH

Present—

Shri Kanwar Singh, for the workmen.
Shri K.L. Khurana for the management.

AWARD

By order No. ID/FD/79/13215, dated 20th March, 1979, the Governor of Haryana referred the following disputes between the management of M/s Goodyear India Limited, Ballabgarh and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the suspension of Shri Tej Singh, workman, was justified and in order ? If not, to what relief is he entitled to ?
- (2) To what quantum of bonus, the workmen are entitled for the year 1978 under the Payment of Bonus Act, 1965 ?
- (3) Whether the lock-out declared by the management w.e.f. 26th January, 1979, was justified and in order ? If not, to what relief the workmen are entitled to ?
- (4) Whether the termination of services of 11 workmen by the management was justified and in order ? If not, to what relief they are entitled to ?
- (5) Whether the workmen are entitled to any wages for the period of strike from 20th January, 1979 to 25th January, 1979 ? If so, with what details ?

On receipt of the order of reference notices were issued to the parties. The parties appeared and settled the dispute and prayed award in terms of the settlement and filed settlement in this Court. I have gone through the settlement. It is just and fair. I accept it and hold that the settlement shall bind the parties and both the parties shall act according to the settlement. I, therefore, give my award in terms of the settlement. The settlement shall form the award.

Dated the 12th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

Endst. No. 506, dated 14th June, 1979

Forwarded (four copies alongwith four copies of settlement) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana, Faridabad.

MEMORANDUM OF SETTLEMENT FORM 'H' (See Rule 58)

Names of the Parties :—

Representing employer
M/s. Goodyear India Ltd.,
Ballabgarh.

1. Mr. C. S. Puri,
Manager, Factory Personnel
2. Mr. J.P. Singh,
Manager, Engineering
3. Mr. A. Banerji,
Acting Production Manager.
4. Mr. K.L. Khurana,
Manager, Labour.

Representing Manual Hourly
Rated Workmen
Through GOODYEAR EMPLOYEES' UNION,
(Registration No. 240)

1. Mr. Kanwar Singh,
President,
Goodyear Employees Union.
2. Mr. Satish Kumar,
General Secretary,
Goodyear Employees Union.
3. Mr. R.K. Sharma,
Secretary,
Goodyear Employees Union.

Short Recital of the Case

Whereas the workmen resorted to strike w.e.f. January 20, 1979, during the pendency of several disputes before the Industrial Tribunal, Haryana at Faridabad. In consequence of the strike the Management was constrained to declare Lock-out effective January 26, 1979.

And Whereas the Government of Haryana has referred certain matters to the Industrial Tribunal at Faridabad for adjudication, — vide Notification No. ID/FD/79/13216-20 of March 20, 1979. This has been given Reference No. 98 of 1979.

And Whereas during the pendency of the above dispute the parties have held a number of meetings at bipartite level and tripartite level to resolve the disputed matters amicably. The parties have decided to settle the same on the following terms :

TERMS OF SETTLEMENT

1. The dispute regarding suspension of Shri Tej Singh is not pressed by the Union inasmuch as the workman has admitted the charges. The parties will make a joint application to the Industrial Tribunal in respect of item No. 1 of industrial dispute in Reference No. 98 of 1979 to give a 'No dispute' award. The Union/workmen including the workman concerned shall not raise any dispute or claim about his suspension including 10 days-suspension awarded as punishment.

2. The Union states that the following workmen are members and office-bearers of the executive of the Union at the time of signing this settlement. The Union hereby accepts their dismissals as justified and legally valid. These workmen have, however, submitted their resignations which have been accepted by the Management (copies of which have also been received by the Union) :—

- (1) Shri Hari Dev Sharma (51-1/35)
- (2) Shri Chand Parkash (51-2/144)
- (3) Shri Udai Bir Singh (62-2/12)

These workmen having submitted their resignations shall be paid one month's wages for each completed year of service as *ex-gratia* in addition to such other dues as are payable to them on resignation. The union/workmen including the workmen concerned shall not claim any wages from January 20, 1979, till the award in terms of the settlement becomes operative. The Union/workmen including the concerned workmen will not raise any further industrial dispute of any nature whatsoever including the claim for their reinstatement or re-employment.

The Union further agrees that in view of this settlement, the dispute relating to the dismissal/termination of these workmen having been hereby settled, will not be contested before the Hon'ble Industrial Tribunal and the Industrial Tribunal will be requested to return a 'No Dispute' award with respect to the dismissal/termination of these workmen which is covered by item No. 4 of the industrial dispute in Reference No. 98 of 1979.

The Union further states that the following workmen who have been dismissed from the service of the company are the members of the Union at the time of signing of the settlement. The Union/workmen hereby express their regrets for the various acts of misconduct committed by these workmen. The workmen as well as the Union have assured the Management that in future these workmen will not commit any act of misconduct and will act in an orderly and disciplined manner :—

1. Shri Gulab Singh (55-1/31)
2. Shri Parkash Chand (43/114)
3. Shri Izhar Anwar (56/37)
4. Shri M.K. Bansal (11/54)
5. Shri S.K. Ghoshal (11/36)
6. Shri Balu Ram (11/61)
7. Shri Hukam Singh (55-3/07)
8. Shri Vijender Singh (51-1/53)

In these circumstances, the Management has agreed to take a lenient view of the matter and as a gesture of goodwill and in the hope of harmonious and peaceful industrial relations with a view to maximise production/productivity has agreed to reinstate these workmen in their jobs within three days of the award having become operative. The workmen shall, however, be awarded 30 days' suspension without wages as punishment. The period of suspension will be adjusted against the intervening period of their non-employment between their respective date of dismissal and their reinstatement in accordance with the terms of this settlement.

The Union and the workmen hereby agree not to contest their suspension and period of non-employment before any authority including the Industrial Tribunal or Labor Court in any manner.

Hence the Management and the Union will jointly make an application to the Industrial Tribunal to give 'No Dispute' award in respect of the dismissal/termination of these workmen which is covered under item No. 4 of the industrial dispute in Reference No. 98 of 1979. These workmen as well as the Union have agreed that they will not claim any back wages from January 20, 1979, till the date of their reinstatement.

This settlement relating to the dispute arising out of the dismissal of 11 workmen is a package deal in itself entered into in the interest of peaceful and harmonious industrial relations and is accepted by the parties as integrated whole.

3. (a) The Union/workmen shall make all efforts to achieve the ticketed production. It is also agreed that both the parties will put in their best efforts to improve production/productivity.

(b) The Company agrees to pay 20 per cent of 1978 earnings (excluding overtime, bonuses and all allowances except dearness allowance) subject to the maximum of Rs. 150 (Rs. One hundred Fifty only) per month worked by workmen in 1978 to workmen on roll on date of settlement.

(c) The said payment will include any payment that may be due or may become due under the Payment of Bonus Act.

(d) The above amount will be paid by June 25, 1979, after watching the production results for one month. This will allow the Union/Workmen to demonstrate their determination to produce the ticket level of production.

(e) This will not be quoted as a precedent in future.

(f) The item No. 2 of the dispute under Reference No. 98 of 1979 thus stands fully settled. The parties will make a joint request to the Hon'ble Industrial Tribunal to give a 'No Dispute' award accordingly.

4. The Union/Workmen agree not to claim any wages for the period of strike/lock out from January 20, 1979 to March 29, 1979. The parties will make a joint application to the Industrial Tribunal to pass a 'No Dispute' award in respect of item No. 3 and 5 of the dispute in reference No. 98 of 1979.

The Management has agreed to allow an advance of Rs. 1,000 (Rs. One Thousand only) to manual rated hourly workmen desiring to avail of the same. This advance will be recovered in 12 monthly instalments commencing from wages for the month of June, 1979.

5. (i) The Union/Workmen undertake not to resort to go-slow or indulge in such other acts detrimental to production. Go-slow/non-cooperation which was going on in various departments before commencement of the strike shall be withdrawn with immediate effect.

(ii) The Union/Workmen agree that the established Grievance Procedure will be strictly followed. However, no piece-rate grievance for the revision will be raised unless there is a substantial change in the work content.

(iii) The Union/Workmen agree to fully abide by and to extend full co-operation in implementation of Standing Orders including the provisions on Absenteeism.

6. The Union/Workmen have agreed to give maximum production and to maintain industrial peace and harmony in the factory.

7. The strike/lockout period shall be considered as discontinuity for the purpose of Attendance Bonus Scheme. As the production targets have not been achieved as stipulated, the last two instalments of Rs. 25 each on account of additional advance given shall be deducted in the month of July and August, 1979 as scheduled. The recovery of instalments missed during the months of February and March, 1979, will spread over the balance of the months upto August, 1979.

8. Specified lunch break and tea timings must be availed. The workers over-stepping the specified timings will be liable for disciplinary action in addition to forfeiting wages on 'No Work, No Pay' basis.

9. The privilege leave for 1979 will be calculated per provisions of the Factories Act, 1948, except that the figure of 240 work days as stated in section 79(1) will be substituted by 220 work-days for 1979 only. This has been agreed as a very special case at the request of the Union for 1979 only.

This will not be quoted as a precedent in any form whatsoever.

10. The Management, as a gesture of goodwill, has also agreed to pay for the three festival and national holidays on account of Republic Day, Holi and Hula.

11. The parties further agree to send a copy of this settlement to the Appropriate Authorities as required under law.

Signed at Ballabgarh this 24th day of May, 1979.

On behalf of the employer :

M/s. Goodyear India Ltd.,
Ballabgarh.

(Sd.)

C.S. PURI,
Manager, Factory Personnel.

(Sd.)

J. P. SINGH,
Manager, Engineering.

(Sd.)

A. BANERJI,
Acting Production Manager.

(Sd.)

K.L. KHURANA,
Manager, Labour.

Witnesses :

(Sd.)

1. T. BRUCE

(Sd.)

2. P.L. KUMRA

On behalf of Manual Hourly Rated Workmen :

Through GOODYEAR EMPLOYEES' UNION,
(Registration No. 240)

(Sd.)

KANWAR SINGH,
President.

(Sd.)

SATISH KUMAR,
General Secretary,

(Sd.)

R. K. SHARMA,
Secretary.

MEMORANDUM OF SETTLEMENT

FORM H

(See Rule 58)

Names of the Parties—
Representing Employer

.. Mr. C.S. Puri
Manager-Factory Personnel
Goodyear India Limited,
Ballabgarh.

Representing workmen

- .. 1. Good-year Employees Union
(Registration No. 240)
Ballabgarh
2. Udai Bir Singh,
Workman Concerned.

Short Recital of the Case

WHEREAS the Government of Haryana has referred certain matters to the Industrial Tribunal, Haryana at Faridabad for adjudication, —vide Notification No. ID/FD/79/13223-27 of March 20, 1979. This dispute has been given the number as Reference No. 98 of 1979 in the Industrial Tribunal. One of the matters referred is as under :—

4. Whether the termination of services of 11 workmen by the management was justified and in order? If not, to what relief they are entitled to ?

AND WHEREAS the workman Shri Udai Bir Singh (62-2/12) is one of the workmen and a party to the above dispute.

AND WHEREAS during the pendency of the above dispute, the above named parties mutually discussed the matter and decided to settle the same on the following terms :

Terms and Conditions of the Settlement

1. That the workman Shri Udai Bir Singh has submitted his resignation on 24th May, 1979 to the Management. The Management has duly accepted the said resignation and conveyed its acceptance to the workman.

2. That the workman concerned shall be paid one month's wages for each completed year of service as *ex-gratia*, in addition to other dues payable to him on resignation. The workman/union will not claim any wages from January 20, 1979 till the date of acceptance of the resignation of the workman concerned by the Management.

3. That the reference No. 98 of 1979 (Item No. 4) in so far as the workman Shri Udai Bir Singh is concerned will stand fully settled.

4. That in view of this settlement no dispute of any nature whatsoever survives between the parties to this settlement. The parties will accordingly make a joint application to the Hon'ble Industrial Tribunal praying for a 'no dispute' award. All payments mentioned hereinabove shall be paid to the workman after the award has become operative.

5. That the parties further agree to send a copy of this settlement to the appropriate authorities as required under law.

Signed at Ballabgarh this 24th day of May, 1979.

For and on behalf of the Management of Good-year India Limited.

Sd.....,

C.S. PURI,

Manager Factory Personnel

for and on behalf of Good-year Employees Union and Workman.

Witnesses :

1. (Sd) T. Bruce

2. (Sd) P.L. Kurma

1. (Sd) Kanwar Singh.

2. (Sd) Satish Kumar

3. (Sd) R.K. Sharma

(Sd) Udai Bir Singh

(Workman Concerned).

Copy to :—

1. Conciliation Officer, Ballabgarh Circle, Sector-7, Faridabad.

2. Labour Commissioner, Haryana, Chandigarh.

3. The Secretary, Haryana Government, Labour Department, Chandigarh.

MEMORANDUM OF SETTLEMENT

FORM H

(See Rule 58)

Names of the Parties—

Representing employer

- .. Mr. C.S. Puri,
Manager-Factory Personnel,
Good-year India Limited
Ballabgarh

Representing workmen

- .. 1. Good-year Employees Union
(Registration No. 240),
Ballabgarh
2. Hari Dev Sharma
Workman Concerned.

Short Recital of the Case

WHEREAS the Government of Haryana has referred certain matters to the Industrial Tribunal, Haryana at Faridabad for adjudication, —vide Notification No. ID/FD/79/13223-27 of March 20, 1979. This dispute has been given the number as Reference No. 98 of 1979 in the Industrial Tribunal. One of the matters referred is as under :—

4. Whether the termination of services of 11 workmen by the management was justified and in order ? If not, to what relief they are entitled to ?

AND WHEREAS the workman Shri Hari Dev Sharma (51-1/35) is one of the workmen and a party to the above dispute.

AND WHEREAS during the pendency of the above dispute, the above named parties mutually discussed the matter and decided to settle the same on the following terms :

Terms and Conditions of the Settlement

1. That the workman Shri Hari Dev Sharma has submitted his resignation on 24th May, 1979 to the Management. The Management has duly accepted the said resignation and conveyed its acceptance to the workman.

2. That the workman concerned shall be paid one month's wages for each completed year of service as *ex-gratia*, in addition to other dues payable to him on resignation. The workman/union will not claim any wages from January 20, 1979 till the date of acceptance of the resignation of the workman concerned by the Management.

3. That the reference No. 98 of 1979 (Item No. 4) in so far as the workman Shri Hari Dev Sharma is concerned will stand fully settled.

4. That in view of this settlement no dispute of any nature whatsoever survives between the parties to this settlement. The parties will accordingly make a joint application to the Hon'ble Industrial Tribunal praying for a 'no dispute' award. All payments mentioned hereinabove shall be paid to the workman after the award has become operative.

5. That the parties further agree to send a copy of this settlement to the appropriate authorities as required under law.

Signed at Ballabgarh this 24th day of May, 1979.

For and on behalf of the Management of Good-year India Limited.

(Sd.)

C. S. PURI,

Manager-Factory Personnel,

for and on behalf of Good-year Employees Union and Workman

Witnesses :

1. (Sd.) T. Bruce

1. (Sd.) Kanwar Singh

2. (Sd.) Satish Kumar

2. (Sd.) P.L. Kumra

3. (Sd.) R.K. Sharma

4. (Sd.) Hari Dev Sharma
(Workman Concerned)

Copy to :—

1. Conciliation Officer, Ballabgarh Circle, Sector-7, Faridabad.

2. Labour Commissioner, Haryana, Chandigarh.

3. The Secretary, Haryana Government, Labour Department, Chandigarh.

MEMORANDUM OF SETTLEMENT

FORM H

(See Rule 58)

Names of the Parties—

Representing employer

.. Mr. C.S. PURI,
Manager-Factory Personnel,
Good-year India Limited
Ballabgarh

Representing workmen

.. 1. Good-year Employees Union
(Registration No. 240)
Ballabgarh
2. Chand Prakash
Workman Concerned.

Short Recital of the Case

WHEREAS the Government of Haryana has referred certain matters to the Industrial Tribunal, Haryana at Faridabad for adjudication,—*vide* Notification No. ID/FD/79/13223-27 of March 20, 1979. This dispute has been given the number as Reference No. 98 of 1979 in the Industrial Tribunal. One of the matters referred is as under :—

4. Whether the termination of services of 11 workmen by the management was justified and in order ?
If not, to what relief they are entitled to ?

AND WHEREAS the workman Shri Chand Prakash (51-2/144) is one of the workmen and a party to the above dispute.

AND WHEREAS during the pendency of the above dispute, the above named parties mutually discussed the matter and decided to settle the same on the following terms :

Terms and Conditions of the Settlement

1. That the workman Shri Chand Prakash has submitted his resignation on 22nd May, 1979 to the Management. The Management has duly accepted the said resignation and conveyed its acceptance to the workman.

2. That the workman concerned shall be paid one month's wages for each completed year of service as *ex gratia*, in addition to other dues payable to him on resignation. The workman/union will not claim any wages from January 20, 1979 till the date of acceptance of the resignation of the workman concerned by the Management.

3. That the reference No. 98 of 1979 (Item No. 4) in so far as the workman Shri Chand Prakash is concerned will stand fully settled.

4. That in view of this settlement no dispute of any nature whatsoever survives between the parties to this settlement. The parties will accordingly make a joint application to the Hon'ble Industrial Tribunal praying for a 'no dispute' award. All payments mentioned hereinabove shall be paid to the workman after the award has become operative.

5. That the parties further agree to send a copy of this settlement to the appropriate authorities as required under law.

Signed at Ballabgarh this 22nd day of May, 1979.

For and on behalf of the Management of Good-year India Limited.

(Sd.) C. S. PURI,
Manager-Factory Personnel,
for and on behalf of Good-year Employees
Union and Workman.

Witnesses :

1. (Sd.) T. Bruce

1. (Sd.)- Kanwar Singh

2. (Sd.)- Satish Kumar

2. (Sd.) P.L. Kumra

3. (Sd.)- R.K. Sharma

4. (Sd.)- Chand Prakash
(Workman Concerned)

Copy to :—

1. Conciliation Officer, Ballabgarh Circle, Sector-7, Faridabad

2. Labour Commissioner, Haryana, Chandigarh.

3. The Secretary, Haryana Government, Labour Department, Chandigarh.

The 27th June, 1979

No. 11(112)-3Lab-79/6190.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Roneo Vickers India Ltd., Mathura Road, Faridabad:—

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 314 of 1978

[between

THE WORKMEN AND THE MANAGEMENT OF M/S RONEO VICKERS INDIA LTD.,
MATHURA ROAD, FARIDABAD

Present.—

Shri Bhim Singh Yadav for the workmen.

Shri V. K. Deewan for the management.

AWARD

By order No. ID/FD/76-78/35471, dated 31st July, 1978 the Governor of Haryana referred the following dispute between the management of M/s Roneo Vickers India Ltd., Mathura Road, Faridabad and its workmen, to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act:—

Whether the workmen are entitled to the grant of bonus for the year 1975-76? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties the following issues were framed on 2nd February, 1979:—

1. Whether the dispute is not maintainable?

2. Whether this court has no jurisdiction?

3. Whether the workmen are entitled to grant of bonus for the year 1975-76 ? If so, to what details?

And the case was fixed for the evidence of the workman. On the last date of hearing the representative for the workmen stated that all the workmen have gone after leaving the work in the factory. The workmen are not interested in pursuing their dispute and do not want to proceed further with the dispute.

In these circumstances, I give my award that there is no dispute between the parties.

NATHU RAM SHARMA,

The 12th June, 1979.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 497, dated 14th June, 1979.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 11(112)-3Lab-79/7007.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Oswal Engineering and General Works, N.I.T., Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 57 of 1979

between

THE WORKMAN AND THE MANAGEMENT OF M/S. OSWAL ENGINEERING AND GENERAL WORKS, N.I.T., FARIDABAD

Present : Shri P.K. De. for the workman.
Shri Satish Ahuja, for the management.

AWARD

By order No. 5223, dated 5th February, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Oswal Engineering and General Works, N.I.T., Faridabad and its workmen, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workmen are entitled to the grant of minimum wages of Rs. 300 per month? If so, with what details?
- (2) What should be the procedure for payment of dearness allowance to the workmen?
- (3) Whether the workmen are entitled to the grant of bonus for the year 1977-78? If so, with what details?
- (4) Whether the grades and scales of pay of the workmen should be revised? If so, with what details?
- (5) Whether the workmen are entitled to the grant of annual increments? If so, with what details?
- (6) Whether the workmen are entitled to the grant of house rent allowance? If so, with what details?
- (7) Whether the workmen are entitled to the grant of canteen allowance? If so, with what details?
- (8) Whether the workmen are entitled to the grant of canteen allowance? If so, with what details?
- (9) Whether the workmen should be supplied shoes? If so, with what details?
- (10) Whether the workmen should be supplied with uniforms? If so, with what details?
- (11) Whether the production and incentive schemes be introduced in the factory? If so, with what details?
- (12) Whether the workers working in furnace should be paid heat allowance or be supplied milk in lieu thereof? If so, with what details?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and settled their disputes and filed the settlement in court. The settlement is Ex-M.W. I have gone through the settlement. It is just and fair. I accept the settlement and give my award in terms of the settlement. The settlement shall form the award.

The 12th June, 1979.

NATHU RAM SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 498, dated 14th June, 1979.

Forwarded (four copies alongwith four copies of the settlement) to the Secretary, to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

NATHU RAM SHARMA,
President Officer,
Industrial Tribunal, Haryana,
Faridabad.

ज्ञापन-पत्र

उद्योगिक विवाद प्रिनिसिप की धारा 18 "1" के अन्तर्गत ज्ञापन-पत्र "समझौता"

पक्षों के नाम :— 1.—प्रबन्धक : श्री. बालू इन्जीनियरिंग एण्ड जनरल वर्क्स,
48, इण्डस्ट्रियल एरिया,
एन. आई. टी., फरीदाबाद।

2.—कर्मचारी :
प्रतिनिधि प्रबन्धक : 1. श्री. बलदेव कुमार जैन
2. श्री. सुखदेव राज जैन

प्रतिनिधि कर्मचारीगण

हस्ताक्षर कर्ता
कर्मचारीगण

1. विवाद का संक्षिप्त विवरण—

कर्मचारियों की ओर से एक मांग पत्र, दिनांक: 16-10-78 को दिया गया था। प्रबन्धकों और कर्मचारियों ने आपस में बैठकर बातचीत की और आपस में निम्नलिखित समझौता निश्चित किया गया :—

समझौते की शर्तें—

1. काम से काम वेतन बर्ष महंगाई भत्ता एवं ग्रेड स्केल मांग नं. 1, 2, 4 :—

"ए" दोनों पक्षों में तय किया कि तनुष्वाह और तरकियों की दर निम्नलिखित होगी :—

अनसकिल्ड	.. 175-7-210-8-250
सेमीसकिल्ड	.. 185-9-230-10-280
सेमीसकिल्ड "बी"	.. 195-10-245-11-300
सकिल्ड "ए"	.. 255-12-285-13-340
सकिल्ड "बी"	.. 250-13-315-15-390
हार्डसकिल्ड	.. 300-15-375-16-535

"ब" उपरोक्त ग्रेड स्केल में तरकियां आमतौर से हर कर्मचारी को उसकी तारीख को मिलेगी जबकि वह नौकरी का एक साल पूरा करेगा लेकिन अगर प्रबन्धकों ने आज की तारीख से पहले 12 महीने में कभी भी तरकरी की होगी, तो अगली तरकरी उसी महीने में होगी।

"सी" तमाम कर्मचारियों के उपरोक्त लिखित तनुष्वाहों के स्केल में काम के हिसाब में लाया जायगा तथा उनकी बाकायदा तरकरी देने के लिये तनुष्वाह पिमेंट के लिये तय पाई जायेगी।
साप्ताहिक तरकियां एवं मिली कर्मचारी का साल पूरा होने पर उपरोक्त लिखित स्केल के हिसाब से दी जायेगी।

"ड" कर्मचारियों को वार्षिक तरकियां बन्द नहीं की जायेंगी, लेकिन प्रबन्धक वतीर अनुशासनहित कार्यवाही के या कम से कम करने की बिना पर तरकरी रोक सकता है।

"ई" अगर कोई कर्मचारी इन ग्रेड स्केल से ज्यादा तनुष्वाह ले रहा है या ले रहा होगा, तो उसकी अपनी श्रेणी की आखरी दर पर मात्ताना तरकरी दी जायेगी।

“एफ” फैक्ट्री के अन्दर काम कर रहा कर्मचारी इस तरह से श्रेणी बढ़ होगा। सेक्रेटरी ऑपरेशन :—सेमीस्केल ‘बी’ में माने जायेंगे।

ऑपरेशन : स्केल ‘बी’ में माने जायेंगे।

2. बोनस :

मांग नं. 3—

तय पाया कि बोनस 1977-78, 1978-79, 1979-80 में हर साल 14 प्रतिशत के हिसाब से हर साल फरवरी “फरवरी” में दिया जाया करेगा। अगर मुनाफा के हिसाब से बोनस ज्यादा होगा तो दे दिया जावेगा। अगर कम से कम 14 प्रतिशत होगा।

3. मांग नं. 5, 6, 8 एवं 9 एवं 10—

तय पाया कि प्रत्येक कर्मचारी को जो इस वक्त नौकरी में है और जिसने कि 1 अक्टूबर, 1978 को 9 महीने की सर्विस कम्पनी में पूरी कर ली है, उसकी 14-00 रुपये वतौर एडवांस इन्कीमेंट के 1 अक्टूबर, 1978 से तनखाह में बढ़ोतरी करके दे दिया जायेगा। इस तरह से पहली अक्टूबर, 1979 को 14 रुपये और पहली अक्टूबर 1980 को 14 रुपये बढ़ाये जायेंगे। यह बात साफ की जाती है कि इसका सालाना तरक्की से कोई सम्बन्ध न होगा। लेकिन इस में उपरोक्त मांगों नं. 5, 6, 8, 9 और 10 की पूर्ति शामिल है।

यह भी तय पाया कि 14 रुपये हर अक्टूबर में 3 साल के लिए बढ़ोतरी के लिए माने गये हैं। वह सिर्फ अक्टूबर में ही मिलेंगे इस से आगे या पीछे नहीं मिलेंगे। चाहे कर्मचारियों ने 9 महीने की सर्विस पूरी कर भी ली है।

4. तय पाया कि आज के बाद कभी भी हिसाब सरकार या हरियाणा गवर्नमेंट कोई भी वेतन मानफिक्स करेगा तो कर्मचारियों को जो तनखाह कुल मिलाकर फैक्ट्री मिल रही होगी उसे वेतन मान में एडजस्ट होगी और अगर सरकारी वेतनमान की दर ज्यादा होगी तो कर्मचारियों को उसके मुताबिक तनखाह दी जायेगी। इसके लिए यह भी तय किया जाता है कि एडवांस इन्कीमेंट जो मांग नं. 3 में लिखी गई है वह वह प्रबन्धक एडवांस में दे देंगे। और ऐसी सूरत में फिर अक्टूबर में कोई एडवांस इन्कीमेंट किसी कर्मचारी को नहीं मिलेगा।

5. प्रोडक्शन स्कीम के बारे में प्रोडक्शन के कर्मचारियों से फिर से बात की जायेगी।

6. कर्मचारी बाकी मांगों को वापिस लेते हैं और यह मानते हैं कि वह मांग-पत्र में दी गयी ग्यारह मांगों में से किसी को भी बोझा नहीं उठावेंगे और न ही कोई ऐसा मांग या विवाद उठावेंगे जिससे कम्पनी पर किसी किस्म का आर्थिक बोझ पड़ता है।

इसके साथ साथ कर्मचारी यह भी मानते हैं कि अगर इस मांग-पत्र पर कोई विवाद या कार्यवाही कहीं पर भी आज की तारीख के बाद चल रही है या चलेगी उसे वह वापिस लेते हैं और खत्म करते हैं क्योंकि अब कोई मांग-पत्र पर बाकी नहीं रह गया है।

7. यह समझौता आज से तीन साल तक लागू रहेगा। इस समझौते के दौरान में कर्मचारी कोई भी ऐसा कार्य नहीं करेगा कि जिस से कि काम बन्द होता हो या उत्पादन में किसी प्रकार की बाधा आती हो। लेकिन अगर ऐसी कोई बात सामने आती हो मैनेजमेंट को यह हक होगा कि इस समझौते की धारा दो और तीन में दी गई सुविधाओं को रोक दे।

8. तय पाया गया कि समझौते की प्रतिलिपि निम्न अधिकारियों को रजिस्ट्रेशन के लिए भेज दी जायेगी।

1. कन्सीलेशन आफिसर,
फरीदाबाद सर्कल-2, सेक्टर नं. 5।
2. लेबर कमिशनर, हरियाणा, चण्डीगढ़।
3. धर्म उपरोक्त, हरियाणा गवर्नमेंट लेबर, डिपार्टमेंट।

9. यह समझौता आज दिनांक 2-12-78 को दोनों पक्षों ने हस्ताक्षर किये।

12

प्रबन्धक—

कृत : प्रोडक्शन इन्जीनियरिंग एण्ड
जनरल वर्क्स।

साक्षी : 1. उदय भान
2. पोखर दास

कर्मचारीगण,

कृत : प्रोडक्शन इन्जीनियरिंग एण्ड
जनरल वर्क्स।

Signed by 95 Workers